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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,817	10/05/2000	Mary M. Ponthan	19420/101/101	2416

7590 07/08/2004

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EXAMINER

TRAN, LOUIS B

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,817

Applicant(s)

PONTHAN ET AL.

Examiner

Louis B Tran

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-26, 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment, received on 03/22/2004.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 28, 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Guglielmi (1,575,263).

With respect to claims 28, Guglielmi shows creating a character effigy comprising the steps of providing an single item which is flexible and is configurable to be planar, defining at a location on the item an unobstrusive character feature representative of only head characteristics, said feature having no significant context of a complete character effigy when said item is in a planar configuration and manipulating the item between the planar configuration and a non-planar configuration, wherein when the item is in the planar configuration, it serves a practical function and when it is in the non-planar configuration, it gives context to a complete character effigy by simulating the body of the character effigy with the character feature positioned appropriately with respect to the body formed by the item to simulate the character's head as discussed in Guglielmi on page 1 column 2, lines 103- page 2, column 1, lines 1-30 and seen in Figures 1 and 2.

With respect to claim 23, Guglielmi shows providing an item having first and second surfaces and at least first, second and third edges, and wherein said character feature is defined on said first surface as in Figure 2.

With respect to claim 24, Guglielmi shows wherein the step of manipulating is accomplished by folding said item to simulate the body of the character effigy as in column 1, page 2, lines 20-30.

With respect to claim 25, Guglielmi shows the step of manipulating being accomplished by rolling said item to simulate the body of the character effigy as seen in Figure 1.

With respect to claim 26, Guglielmi shows wherein the step of manipulating is accomplished by folding and rolling said item to simulate the body of the character effigy as seen in Figure 1 and described in column 1, page 2, lines 20-30.

4. Claims 28, 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ming (5,172,440).

With respect to claims 28, Ming shows creating a character effigy comprising the steps of providing a single item which is flexible and is configurable to be planar, defining at a location on the item an unobtrusive character feature representative of only head characteristics 31 said feature having no significant context of a complete character effigy when said item is in a planar configuration and manipulating the item between the planar configuration and a non-planar configuration (open bag and closed bag positions), wherein when the item is in the planar configuration, it serves a practical function and when it is in the non-planar configuration, it gives context to a complete

character effigy by simulating the body of the character effigy with the character feature positioned appropriately with respect to the body formed by the item to simulate the character's head as discussed in Ming in column 2, lines 42-57 seen in Figures 8 and 9.

With respect to claim 23, Ming shows providing an item having first and second surfaces and at least first, second and third edges, and wherein said character feature is defined on said first surface as in Figure 8.

With respect to claim 24, Ming shows wherein the step of manipulating is accomplished by folding said item to simulate the body of the character effigy as in column 2, lines 42-57.

With respect to claim 25, Ming shows the step of manipulating being accomplished by rolling said item to simulate the body of the character effigy as seen in Figures 8 and 9.

With respect to claim 26, Ming shows wherein the step of manipulating is accomplished by folding and rolling said item to simulate the body of the character effigy as in column 2, lines 42-57.

5. Claims 28, 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Holt (1,819,295).

With respect to claims 28, Holt shows creating a character effigy comprising the steps of providing an single item which is flexible and is configurable to be planar, defining at a location on the item an unobstrusive character feature representative of only head characteristics, said feature having no significant context of a complete character effigy when said item is in a planar configuration and manipulating the item

between the planar configuration and a non-planar configuration, wherein when the item is in the planar configuration, it serves a practical function and when it is in the non-planar configuration, it gives context to a complete character effigy by simulating the body of the character effigy with the character feature positioned appropriately with respect to the body formed by the item to simulate the character's head as discussed in Holt on page 1 column 1, line 11 and seen in Figures 1 and 4.

With respect to claim 23, Holt shows providing an item having first and second surfaces and at least first, second and third edges, and wherein said character feature is defined on said first surface as in Figure 1.

With respect to claim 24, Holt shows wherein the step of manipulating is accomplished by folding said item to simulate the body of the character effigy as in Figure 4.

With respect to claim 25, Holt shows the step of manipulating being accomplished by rolling said item to simulate the body of the character effigy as seen in Figure 4.

With respect to claim 26, Holt shows wherein the step of manipulating is accomplished by folding and rolling said item to simulate the body of the character effigy as seen in Figure 4.

Conclusion

6. Applicant's remarks have been fully considered but are deemed non-persuasive.

Applicant contends that Guglielmi does not consist of only a single item but multiple items (body etc.). Examiner contends that Guglielmi can be characterized as a single item.

Applicant contends that Guglielmi is not configurable to be planar since Guglielmi teaches "filling" which would require three dimensionality. Examiner contends that all objects require some degree of three dimensionality. An object can be described as planar and still have three dimensions.

Furthermore, on page 6, line 7 of the specification, Applicant states, "Furthermore, the feature or features of item 14 may be affixed to the item 12 by a manner known in the art."

Applicant's invention inherently has a degree of three dimensionality especially with affixed items 14.

For the reasons above, the grounds of rejection are deemed proper.

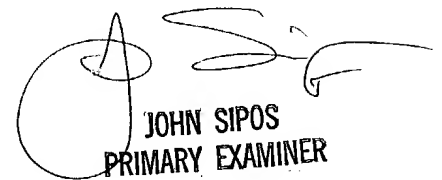
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lbt



JOHN SIPOS
PRIMARY EXAMINER